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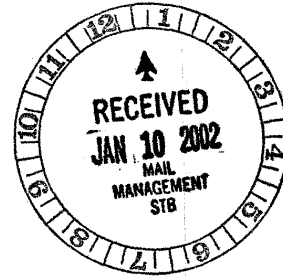
ROBERT RANDALL GREEN
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GOVERNMENT RELATIONS

JOSEPH T. CONNOR
FINANCIAL ANALYST

January 10, 2002

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: *Salt Lake City Corporation - Adverse Abandonment -
in Salt Lake City, Utah, Docket No. AB 33 (Sub-No. 183)*



Dear Sir:

I am enclosing an original and ten (10) copies of each of the following documents:

- 1) Reply Of Salt Lake City Corporation To Motion Of Union Pacific Railroad For A Protective Order Denying Discovery; 204365
- 2) Motion Of Salt Lake City Corporation To Compel; and 204366
- 3) Petition Of Salt Lake City Corporation For Extension Of Time To File Reply To Protest Of Union Pacific Railroad 204367

in the above referenced matter. I am also enclosing a 3.5 inch diskette with these documents.

In addition, I have enclosed one additional copy of these documents for date stamp and return to our messenger.

Thank you.

Sincerely,

Charles A. Spitulnik

Charles A. Spitulnik

Enclosures

cc: All parties on the Certificate of Service

204367

**Before the
Surface Transportation Board**

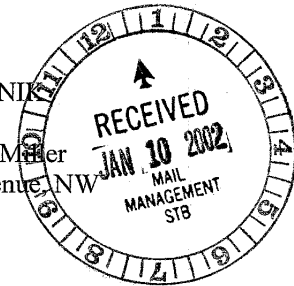
Docket No. AB 33 (Sub No. 183)

**SALT LAKE CITY CORPORATION --
ADVERSE ABANDONMENT OF RAIL LINE IN SALT LAKE CITY, UTAH**

**PETITION OF SALT LAKE CITY CORPORATION FOR EXTENSION OF TIME TO
FILE REPLY TO PROTEST OF UNION PACIFIC RAILROAD**

EXPEDITED CONSIDERATION REQUESTED

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Salt Lake City Attorney
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Salt Lake City, Utah 84111
801/535-7788

Dated: January 10, 2002

**Before the
Surface Transportation Board**

Docket No. AB 33 (Sub No. 183)

**SALT LAKE CITY CORPORATION
- ADVERSE ABANDONMENT OF RAIL LINE IN SALT LAKE CITY, UTAH -**

**PETITION OF SALT LAKE CITY CORPORATION FOR EXTENSION OF TIME TO
FILE REPLY TO PROTEST OF UNION PACIFIC RAILROAD**

Salt Lake City Corporation (the "City"), through counsel hereby petitions the Surface Transportation Board ("Board") for an extension of time to reply to UP's Protest filed on December 28, 2001 of one week from the date Union Pacific ("UP") provides information and documents that are responsive to the City's discovery request.

I. FACTS

This matter involves an application for adverse abandonment ("Abandonment Proceeding") filed by the City relating to the 900 South Line (the "900 South Line"), which was constructed in 1906 and was part of the UP Passenger Depot in downtown Salt Lake City. UP operates the 900 South Line.

On December 24, 2001, the City served Interrogatories and Request for Production of Documents ("Salt Lake's Discovery Requests") on UP relating to the Abandonment Proceeding. UP filed its Protest to the Abandonment Proceeding on December 28, 2001. UP filed its responses to Salt Lake's Discovery Requests on January 8 ("UP's Discovery Responses") and delivered a copy to the City, via UPS next day air. The City's Reply to UP's Protest is currently due on or before January 14, 2002.

II. ARGUMENT

UP had predicted in this proceeding that the City would seek this extension of time. By providing non-responsive replies to the City's discovery requests, UP has placed the City and this Board in a position where UP's self-fulfilling prophecy must come to fruition. The City is now forced to seek this extension of time to reply to UP Protest. No matter how hard the railroad will try, UP cannot lay the need for this request at the City's feet. If UP's Discovery Responses had not been a series of objections, but rather the actual information requested by the City, the City would be in the position to prepare and file a timely response to UP's Protest. However, UP's Discovery Responses amount to nothing more than conclusory statements and self-serving declarations from its own employees and do not contain the substantive, independent¹ information requested.

As the Board is aware in abandonment proceeding most, if not all, of the information necessary to resolve the issues raised, and in this instance UP's continuing contention that the 900 South Line is the only viable alternative to reduce and alleviate congestion and traffic in Salt Lake City, is in the possession of the railroad. UP, however, refuses to provide that information to the City as evidence by the sparse and evasive nature of UP's Discovery Responses.

Simply put, the City has no basis to evaluate and assess the issues raised in this Abandonment Proceeding without the information it requested in the Salt Lake's Discovery Requests. Once UP provides information and documents that are responsive to Salt Lake's Discovery Requests, the City will be able to adequately respond to UP's Protest. Otherwise,

¹ The term independent in this context is not used to suggest that UP obtain an independent study or analysis from some third party, even though that would be helpful, but rather refers to factual information that is not self-serving and conclusory in nature.

without this information it almost impossible for the City to respond in an informed and meaningful manner.

Thus, the City is asking the Board for an extension of time up to an including one week from the date that UP provides responsive responses to the City's discovery to reply to UP's Protest. Lastly, such an extension will not cause UP any prejudice given the fact that UP is proceeding, at its own risk, to run trains on the 900 South Line. In fact, granting the extension and requiring UP to properly respond to Salt Lake's Discovery Requests would allow for this matter to be resolved on a full and complete set of facts rather than on UP's unsubstantiated, self-serving and conclusory statements.

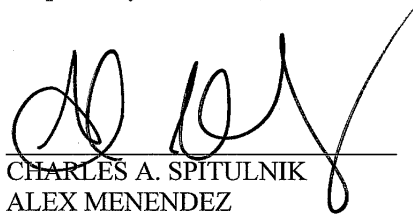
III. EXPEDITED HANDLING REQUESTED

The City is requested expedited handling of this Motion. The City's response to UP's Protest is due to be filed at this Board on Monday, January 14, 2002, and expedited handling is required so that the City can be apprised of whether it must comply with the original schedule or whether it can await resolution of the discovery issues before submitting its response.

IV. CONCLUSION

The Board should grant the City an extension of time to reply to UP's Protest of one week from the date UP provides and the City receives the information and documents that are responsive to the City's discovery request.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "CS", written over a horizontal line.

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Salt Lake City Attorney
451 South State Street
Room 505
Salt Lake City, Utah 84111
801/535-7788

Dated: January 10, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of January, 2002 caused a copy of the foregoing Reply Of Salt Lake City Corporation To Motion Of Union Pacific Railroad For A Protective Order Denying Discovery; Motion of Salt Lake City Corporation To Compel; and Petition Of Salt Lake City Corporation For Extension Of Time To File Reply To Protest Of Union Pacific Railroad, to be served by first class mail, postage prepaid upon the following:

Robert T. Opal, Esquire
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

Governor Mike Leavitt (via certified mail)
210 State Capitol
Salt Lake City, Utah 84118

Utah Public Service Commission
Herber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, Utah 84111

Utah State Cooperative Extension Service
Salt Lake County Government Center
2001 South State Street
Room #S1200
Salt Lake City, Utah 84190-2350

U.S. Department of Transportation
400 Seventh Street SW
Room 4102 C-30
Washington, DC 20590

U.S. Department of Defense
OASD(PA)PIA
1400 Defense Pentagon
Room 3A750
Washington, DC 20301-1400

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

U.S. Railroad Retirement Board
Bennett Federal Building
Room 1205
125 South State
Salt Lake City, Utah 84138-1102

National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
Washington, DC 20002

Mr. Dale Bosworth
Chief of the Forest Service
U. S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street, SW
Washington, DC 20250

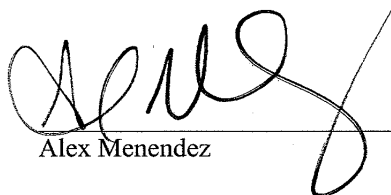
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